

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

|                                   |   |                         |
|-----------------------------------|---|-------------------------|
| LLOYD V. MURPHEY, et al,          | ) |                         |
|                                   | ) |                         |
| Plaintiffs,                       | ) |                         |
|                                   | ) | Case No. 4:11CV2114 JCH |
| v.                                | ) |                         |
|                                   | ) |                         |
| UNITED STATES OF AMERICA, et al., | ) |                         |
|                                   | ) |                         |
| Defendants.                       | ) |                         |

**PLAINTIFFS' RULE 41(a)(2) MOTION TO DISMISS**  
**DEFENDANT ST. JOHN'S MERCY HEALTH SYSTEM, INC.**

COME NOW Plaintiffs, by and through their attorneys, and pursuant to Rule 41(a)(2) move this Court to Dismiss Defendant St. John's Mercy Health System, Inc. with prejudice.

WITZEL KANZLER DIMMITT  
KENNEY & KANZLER, LLC

By: /s/ Richard C. Witzel  
Richard C. Witzel #22690  
David A. Dimmitt # 39555  
2001 S. Big Bend Blvd.  
St. Louis, MO 63117  
(314) 645-5367  
(314) 645-5387 (Fax)  
[rwitzel@wklc.com](mailto:rwitzel@wklc.com)  
Attorneys for Plaintiff

**Certificate of Service**

I hereby certify that on August 24, 2012 the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system

CHRISTINA B. MOORE # 53917MO  
Assistant United States Attorney  
Thomas F. Eagleton U.S. Courthouse  
111 South Tenth Street, 20<sup>th</sup> Floor  
St. Louis, Missouri 63102  
(314) 539-3991  
(314) 539-2777 FAX  
[christina.moore@usdoj.gov](mailto:christina.moore@usdoj.gov)

James P. Reinert  
222 South Central Avenue, Ste. 500  
St. Charles, MO 63301-2890  
(314) 880-8060  
(314) 880-8059 FAX  
Email: [jpr@grstllaw.com](mailto:jpr@grstllaw.com)

Paul N. Venker  
Michelle A. Hayde  
100 N. Broadway, 21st Floor  
St. Louis, MO 63102  
(314) 345-5000  
(314) 345-5055 FAX  
[pvenker@wvslaw.com](mailto:pvenker@wvslaw.com)  
[mhayde@wvslaw.com](mailto:mhayde@wvslaw.com)

James J. Hennelly  
200 N. Third Street  
St. Charles, MO 63301-2890  
(636) 947-4700  
(636) 947-1743 FAX  
[jhennelly@hazelwoodweber.com](mailto:jhennelly@hazelwoodweber.com)